



BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

AUG 30 2001

WILLIAM A. MUNDELL  
Chairman  
JIM IRVIN  
Commissioner  
MARC SPITZER  
Commissioner

DOCKETED BY

✓✓

IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION F/K/A U S WEST )  
COMMUNICATIONS, INC., FOR APPROVAL )  
OF THE SINGLE POINT OF PRESENCE )  
AMENDMENT TO THE )  
INTERCONNECTION AGREEMENT WITH )  
NETWORK SERVICES, L.L.C )

DOCKET NO. T-01051B-01-0585

DECISION NO. 63975

ORDER

Open Meeting  
August 28 and 29, 2001  
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On July 24, 2001, Qwest Corporation ("Qwest") f/k/a U S WEST Communications, Inc., filed an Application for approval of an Amendment to the Interconnection between Qwest and Network Services, Inc. ("Network Services"). The original Interconnection Agreement was approved by the Commission on June 30, 2000, in Decision No. 62707.

2. The Telecommunications Act of 1996 ("1996 Act") directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provides for interconnection and resale agreements to be concluded by voluntary negotiation.

3. This Amendment to the Interconnection Agreement between Qwest and Network Services was voluntarily negotiated, without resort to arbitration.

4. Under the terms of this Amendment, terms and conditions for Single Point of Presence are added to the Interconnection Agreement.

5. According to the 1996 Act and Commission Rule, the Commission must approve voluntarily negotiated Interconnection and Resale agreements, if their provisions are non-discriminatory and in the public interest.

1           6.     Staff has reviewed the Amendment and finds it to be non-discriminatory and in the  
2 public interest. Qwest is offering the same terms and conditions of the Agreement to all other  
3 interested parties. The Agreement is in the public interest because it will act to further  
4 competition in the local exchange market in Arizona.

5           7.     Since there are no grounds for rejection of the Amendment pursuant to Section  
6 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the  
7 Amendment to the Interconnection Agreement between Qwest and Network Services.

8                               CONCLUSIONS OF LAW

9           1.     Qwest is an Arizona public service corporation within the meaning of Article XV,  
10 Section 2, of the Arizona Constitution.

11          2.     The Commission has jurisdiction over Network Services and over the subject matter  
12 of the Application.

13          3.     The Commission, having reviewed the Application and Staff's Memorandum has  
14 determined that the Amendment to the Interconnection Agreement negotiated between Qwest and  
15 Network Services meets the requirements of Section 252(e)(2)(A) of the 1996 Act which governs  
16 the approval of voluntarily-negotiated agreements and is in the public interest.

17          4.     The Commission maintains jurisdiction over the subject matter of the Agreement  
18 and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission  
19 by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules  
20 promulgated thereunder.

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

ORDER

IT IS THEREFORE ORDERED that the Commission hereby approves the Amendment to the Interconnection Agreement between Qwest and Network Services filed on July 24, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

**BY ORDER OF THE ARIZONA CORPORATION COMMISSION**  
CHAIRMAN  
COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 30<sup>th</sup> day of August, 2001.

  
BRIAN C. McNEIL  
Executive Secretary

DISSENT: \_\_\_\_\_

SMO:EAA:bsl/MAS

1 SERVICE LIST FOR: Qwest Corporation and Network Services, LLC.

2 DOCKET NO. T-01051B-01-0585

3

4 Ms. Lupe Martinez  
5 Network Services, LLC  
6 525 South Douglas Street  
7 El Segundo, California 90245

6

7 Ms. Theresa Dwyer  
8 Fennemore Craig  
9 3003 North Central Avenue, Suite 2600  
10 Phoenix, Arizona 85012

9

10 Mr. Timothy Berg  
11 Fennemore Craig  
12 3003 North Central Avenue, Suite 2600  
13 Phoenix, Arizona 85012

12

13 Mr. Christopher C. Kempley  
14 Chief Counsel  
15 Arizona Corporation Commission  
16 1200 West Washington  
17 Phoenix, Arizona 85007

15

16 Mr. Steven M. Olea  
17 Acting Director, Utilities Division  
18 Arizona Corporation Commission  
19 1200 West Washington  
20 Phoenix, Arizona 85007

19

20

21

22

23

24

25

26

27

28